IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Phool Chand & Anr. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 59/2006
for quashing the FIR No.191/2005, Police Station, Shambhupura, district Chittorgarh.

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Date of Order: September 20, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Umesh Shrimali, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C. , the petitioners seek quashing of FIR No. 191/2005 dated 9-11-2005 of Police Station, Shambhupura, district Chittorgarh for the offences under Sections 406 and 420 IPC.

I have heard learned counsel for the petitioners and the Public Prosecutor for the State. Carefully gone through the first information report.

The allegation against the petitioners is that they being the transporters, were entrusted with the cement to be loaded in two trucks and to be transported to a particular destination, which they did not deliver to the party to whom the

cement bags were sent and misappropriated the same.

Learned counsel for the petitioners submits that during investigation, the cement has been recovered. This shows that prima facie the offences are made out against the petitioners. At any rate, prima facie, it cannot be said that the FIR does not disclose commission of the offences. In this view of the matter, there is no reason to quash the FIR.

The criminal miscellaneous petition is, therefore, dismissed. The stay petition also stands dismissed.

(H.R. PANWAR), J.

mcs